IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION Nos. 27704 of 2005 & 27706 of 2005

Between:

Sri J.Srinivas Reddy

..... PETITIONER

AND

Central Power Distribution Company of Andhra Pradesh Ltd.,

(AP TRANSCO) having its office at Singareni Bhavan,
Hyderabad, represented by its Managing Director and 2 others

.....RESPONDENTS

COMMON ORDER:

As the petitioner in both the writ petitions is one and the same and filed both the writ petitions for a similar relief, they are being disposed of at the stage of admission by this common order.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

It is stated that the petitioner is having two service connections bearing Nos.4597 Category LT2 and another No.7429 Category LT2 in respect of non-domestic and commercial at Door No. 112, 113 S.S.Recreation Health Club, Saptagiri colony, Kukatpally. It is stated that an inspection was made on 02.12.2005 in respect of both the service connections and observed that the petitioner is using supply directly by inter changing the outgoing terminals connected directly to the incoming service wire, and hence it is alleged that the petitioner is indulging theft of energy, and further observed that a study of past record of consumption discloses that the consumption being recorded by the meter is unduly low taking into account the connected load, the number of hours of use of electricity by the petitioner, for which the petitioner has been availing the power for his related factors. Taking into account all the factors into consideration, the 3rd respondent estimated the value of energy pilferaged/misused by the petitioner in respect of Service No.4597 at Rs.354756.6 and in respect of Service No.7429 at Rs.69183.22. It is stated that the respondents disconnected the power supply and demanded to pay half of estimated amount. It is stated that under threat of disconnection, the petitioner paid certain amounts. The petitioner questions the action of the respondents in disconnecting the service connections based on the provisional assessment notice.

It is stated that after the Electricity Act, 2003 (for short 'the Act') came into force, the respondents are bound to follow the procedure laid down under Section 126 of the Act. Under Section 126 of the Act, after an inspection is made an order of

provisional assessment shall be served on the consumer, giving a reasonable opportunity to file objections under Section 123 of the Act, and it is for the consumer either to accept the provisional assessment or to file objections, and if he chooses to file objections, then the objections have to be considered under Section 126 (5) and (6) of the Act. It is stated that as no opportunity was given, objections have not been filed by the petitioner.

Having regard to the facts and circumstances of the case, the provisional orders are directed to be treated as show cause notices calling for the objections, and the petitioner is permitted to file objections, within a period of one week from the date of receipt of a copy of this order and on filing such objections, the respondents may consider and dispose of the same, in accordance with Section 126 (5) and (6) of the Act. Till then, the service connections of the petitioner shall not be disconnected, subject to the petitioner continues to pay regular electricity charges.

With the above observations, both the Writ Petitions are disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 28.12.2005

Dsr